IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

WA.No. 181 of 2007()

AGAINST THE JUDGEMENT IN WPC.341/2007 Dated 04/01/2007
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APPELLANT: PETITIONERS:
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1. THE KANDALLOOR FARMERS SERVICE CO-OPERATIVE BANK LTD.NO.1410, KANDALLUR, KAYAMKULAM REPRESENTED BY ITS MANAGER C.SIVADASAN.

2. THE BOARD OF DIRECTORS OF THE KANDALLUR FARMERS SERVICE CO-OP.BANK LTD. NO.1410, KANDALLUR REPRESENTED BY ITS PRESIDENT, S.ANANDAN.

BY ADV. SRI.S.SREEKUMAR

RESPONDENTS: RESPONDENTS:
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1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), ALLEPPEY.

2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES, TRIVANDRUM.

BY SPL.G.P. FOR CO-OP SOCIEITIES SMT. A.G.ANEETHA

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

W.A.No.181 of 2007

Dated, this the 14th day of June, 2007

JUDGMENT

H.L. DATTU, CJ.

This appeal is filed against the orders passed by a learned Single Judge in W.P.(C) No.341/2007 dt. 4.1.2007. The learned Judge, while disposing of the writ petition, has only stated that the notice issued by the Joint Registrar, Co-operative Societies, is in the nature of a show cause notice and the petitioners would have all the liberties to file their objections, if any, to the said notice including the request to drop the proceedings.

2. We have also perused Ext.P1 notice. It is in the nature of a show cause notice to the petitioners asking them to show cause as to why enquiries should not be held against them. At this stage it is not appropriate for this court to interfere with such notice unless the notice is issued by a person who have no jurisdiction to issue such notice. In the writ petition the petitioner does not say that the authority who had issued the notice is not competent to issue such notice. In that view of the matter, in our opinion, the writ petition filed by the petitioner is only premature. Taking that aspect of the matter into consideration, the learned Single Judge is fully justified in rejecting the writ petition. Accordingly the following:

Order

The writ appeal requires to be rejected and it is rejected. We are informed that the petitioners have already filed their objections. If that is so, the respondents will consider the same in accordance with law, after affording an opportunity of hearing to the petitioners. The petitioners are at liberty to urge all such contentions which are available to them including their contentions against Ext.P2. Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

mt/